

# Enforcing a Tribunal Order for Eviction

## How and when to request a SACAT Bailiff

### What is the effect of a Tribunal Order?

At the completion of a hearing, the SACAT Member will generally make a decision. That decision will be recorded in a Tribunal order.

An order is a legally enforceable direction of SACAT for a person to do something.

All SACAT orders for housing disputes are enforceable.

If SACAT has made an order that a tenant or resident is to 'give up' possession of a property or room (that is, to vacate), then that order can be enforced by a SACAT Bailiff. Only a Bailiff has the power to evict a tenant/resident.

### Where SACAT has made an order for possession

If SACAT has made an order for a tenant/resident to vacate and they have not vacated, then the landlord (or agent)/proprietor should contact SACAT in writing (which may be by fax or email) and request for a Bailiff to attend to evict the tenant or resident.

The Bailiff will contact the landlord (or agent)/proprietor and make the necessary arrangements.

It is important to note that a request for a Bailiff must be made within 14 days of the date of eviction.

### Where SACAT has made an order for possession if the tenant fails to make a payment

Sometimes SACAT makes an order which requires the tenant to make a payment and the order states that if the payment is not made then the tenant must vacate on the following day.

If the tenant fails to make the payment and fails to move out, then the landlord (or agent)/proprietor must lodge a statutory declaration about the missed payment and an up-to-date rent record with a written request (which may be by email) for the Bailiff to attend. This statutory declaration should also state that the tenant has not made the payment and has not moved out of the property.

The Bailiff will contact the landlord or proprietor and make the necessary arrangements.

To download a template statutory declaration form, visit: [www.sacat.sa.gov.au/case-type/housing-and-rentals/enforcing-a-housing-order](http://www.sacat.sa.gov.au/case-type/housing-and-rentals/enforcing-a-housing-order).

### Contact the Tribunal

If you would like to speak to a staff member about enforcing a Tribunal order, please telephone SACAT on 1800 723 767 (select option 4 and then option 1).

This information sheet does not constitute legal advice and does not relate to the circumstances of any individual matter. If you wish to have legal advice you should seek that independently.